

~~PROPOSED~~ ORDER/COVER SHEET

TO: Honorable Wayne D. Brazil
U.S. Magistrate Judge

FILED

RE: Jessica Sanders

FROM: Claudette M. Silvera, Chief
U.S. Pretrial Services Officer

MAR 24 2008

DOCKET NO.: CR 08-00099 CW

DATE: March 24, 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

Paul Mamaril
U.S. PRETRIAL SERVICES OFFICER

510-637-3757
TELEPHONE NUMBER

RE: MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.



I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.



Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. _____ on _____ at _____.



Inform all parties concerned that a Bail Review Hearing will be conducted by:
Magistrate Judge _____ Presiding District Court Judge _____



I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:



Modification(s)

A.

B.



Bail Revoked/Bench Warrant Issued.



I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).



Other Instructions:

JUDICIAL OFFICER

DATE

Cover Sheet (12/03/02)

cc: WNB's Stats, Copy to parties via ECF,
Shirah, Pretrial, Financial

To: Honorable Wayne D. Brazil
U.S. Magistrate Judge

From: Paul Mamaril
U.S. Pretrial Services Officer

Subject: Jessica Sanders
VIOLATION OF RELEASE CONDITIONS
CR 08-00099 CW

Date: March 18, 2008



MEMORANDUM

Your Honor:

On September 27, 2007, Jessica Sanders appeared before Your Honor charged in a co-defendant Information with a violation of Title 21, United States Code, Section 843 - Illegal Use Of A Communication Facility. On that date, the defendant was released on a \$200,000 unsecured bond with the following special conditions:

- 1) The defendant shall report to Pretrial Services as directed;
- 2) The defendant shall not travel outside the Northern District of California;
- 3) The defendant shall surrender all passports and visas to the Court and shall not apply for any passports or other travel documents;
- 4) The defendant shall not possess any firearm, destructive device, or other dangerous weapon;
- 5) The defendant shall remain in the custody of custodian, James Robert Sanders, at 2833 Grove Way in Castro Valley, California;
- 6) The defendant shall not change residence without prior approval of Pretrial Services;
- 7) The defendant shall participate in counseling, and submit to drug testing as directed by Pretrial Services;
- 8) The defendant shall not use alcohol to excess and shall not use or possess any narcotic or other controlled substance without a legal prescription;
- 9) The defendant shall maintain current employment, or if unemployed, shall see and maintain verifiable employment; and
- 10) The defendant shall have no contact with any co-defendant out of the presence of counsel.

On October 5, 2007, Ms. Sanders reported to Pretrial Services and a post bail interview was conducted. On that date, the defendant submitted an initial urinalysis which tested positive for marijuana. It should be noted that drug use was prior to the instant offense. Ms. Sanders was directed to abstain from any further use of illicit substances at that time. The defendant was testing positive for marijuana between October 5, 2007, and December 17, 2007. This officer confirmed, through Scientific Testing Laboratories (STL), that these positive urinalysis were residual. On December 18, 2007, the defendant began submitting ~~to~~ negative drug tests.

MEMORANDUM FOR THE HONORABLE WAYNE D. BRAZIL
UNITED STATES MAGISTRATE JUDGE
RE: SANDERS, JESSICA

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VIOLATION:

On March 6, 2008, this officer received a telephone call from the defendant's attorney Anne-Marie Tommassini. She called regarding my position on a proposed travel order and Ms. Sanders request to use merinol for a medical condition. Ms. Tommassini advised that the defendant has previously tried traditional pain medication which has been no avail to her symptoms. This officer informed Ms. Tommassini that merinol will test positive for marijuana on our drug testing device. This officer relayed that although the defendant has a legal prescription for merinol, a Court order will be required in order to allow the defendant to use the controlled substance.

On March 10, 2008, this officer received a notification from Sharper Future in Hayward, California, advising that the defendant submitted a positive urinalysis for marijuana on March 8, 2008. This officer contacted Sharper Future regarding confirmation for the positive drug test and we are waiting a response.

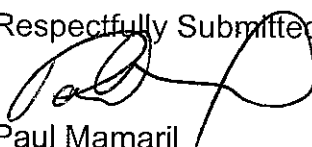
On March 13, 2008, Ms. Sanders contacted this officer for her weekly check-in. Ms. Sanders indicated that she submitted a drug test on March 8, 2008, which resulted in a positive urinalysis for marijuana. The defendant related that she was prescribed merinol for her ovarian cysts and used the drug prior to her test. Ms. Sanders apologized and stated that "she thought her attorney cleared this issue in regards to her use of merinol." The defendant provided a copy of her prescription for merinol from Dr. Eugene Schoenfeld in Sausalito, California.

RECOMMENDATION:

Since the defendant's release on September 27, 2007, Ms. Sanders has been reporting to Pretrial Services as directed and been submitted to negative drug tests between December 18, 2007, and March 9, 2008. Although the defendant has a legal prescription for merinol, this officer has discussed with the defendant that the controlled substance does test positive for marijuana on our drug testing device and that a Court order is required in order to continue using the drug. At this time, Pretrial Services recommends that the Court take no action. However, the Court will be notified immediately regarding any further positive drug tests provided by the defendant.

This memorandum is submitted for Your Honor's information and consideration.

Respectfully Submitted,



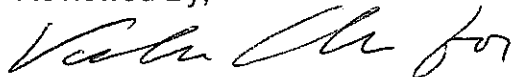
Paul Mamaril
U.S. Pretrial Services Officer

MEMORANDUM FOR THE HONORABLE WAYNE D. BRAZIL
UNITED STATES MAGISTRATE JUDGE
RE: SANDERS, JESSICA

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Reviewed By,

A handwritten signature in black ink, appearing to read "Allen Lew for".

Allen Lew, Supervising
U.S. Pretrial Services Officer

cc: Claudia Wilken, U.S. District Judge
Anne-Marie Tommassini, Defense Counsel
Shashi Kewalramini, Assistant United States Attorney